CONSENT CALENDAR PROCEDURES

Due to the length of the Zoning Adjustments Board agenda, a Consent Calendar will be used to approve certain types of applications at one time. The Consent Calendar includes:

- Routine business such as modifications of use permits which are not subject to a public hearing and items proposed for continuance. (Please note that items proposed for continuance to a date certain will not be re-noticed by mail or posting on site.)

- Public hearings on use permits and variances that are apparently non-controversial, on which no adverse comment has been received, and on which the Zoning Officer recommends approval.

The Chairperson of the Board will announce the items on the Consent Calendar at 7:05 p.m. Anyone present who wishes to speak on an item should raise his or her hand and advise the Chairperson, and the item will be pulled. Any applicant, member of the audience, or Zoning Adjustments Boardmember may require that a Consent Calendar item be removed from the Calendar for discussion and testimony (if already posted for hearing). Items pulled from the Consent Calendar will be heard following Continued Items.

PUBLIC TESTIMONY PROCEDURES

The Board may limit the number of speakers and the length of time allowed to each speaker. Persons wishing to offer testimony are encouraged to submit their comments in writing. You may also submit comments by E-mail at zab@ci.berkeley.ca.us. If you want to speak at a public hearing, you must turn in a speaker card by 7:15 PM on the night of the hearing. Cards may also be submitted at the Zoning Counter at 2120 Milvia Street prior to 5 p.m. on the day of the hearing.

Note: Please refrain from wearing scented products to public meetings.
AGENDA

Roll Call  Call to Order: 7:00 PM
Roll Call: Judd, Tiedemann, Allen, Shumer, Metzger, Wilson, Anthony
Approximate Public Attendance: 14

Public Comment  Opened: 7:02PM
No Speakers
Closed: 7:02 PM

Blake arrived 7:03 PM
Katz arrived 7:06 PM

Consent Calendar

1865 University moved to the consent calendar

1. 1885 University
Request by: 1950 MLK, LLC, c/o Chris Hudson, Hudson McDonald LLC, 2140 Shattuck Avenue, Suite 302, Berkeley, CA 94704
Use Permit #02-1000070, Preliminary consideration of a modified design to allow construction of a mixed use development with 156 dwelling units, 14,390 square feet of retail, and 157 parking spaces in a two level parking garage. The existing commercial building (totaling approximately 20,375 square feet) would be demolished (C-1, General Commercial, SDR).

Continued From: Previously discussed: 04/27/06, 5/11/06, 5/25/06
Recommendation: No Discussion. Continue to 6/22/06.
Action: Continued to 6/22/06 on Consent (9-0-0-0).

2. 2703 Seventh Street #159-160
Request by: Dorothée Mitran-Bell, 2377 Shattuck Ave., Berkeley, 94704
Use Permit Modification #06-1000048 to expand an existing quick service restaurant ("Café Clem") from 336 square feet to 471 square feet; restaurant is located in an existing arts and crafts workshop building ("ActivSpace") with 48 parking spaces (MU-R, Mixed Use-Residential, AS).

Previously Discuss: none
Recommendation: Approve
Action: Approved on Consent (9-0-0-0).

Agenda Changes

Appeal of Administrative Use Permit:
NOTE: Appeals of Administrative Use Permit are not subject to public hearing and no public testimony will be taken at this time. The Board will choose to set the matter for public hearing, or affirm the decision of the Zoning Officer to grant the permit. If the Board sets the matter for a public hearing, the
hearing will be noticed and public comment will be accepted at the public hearing.

3. **931 Grizzly Peak Blvd**
   Appeal by: Seth Sanders, Burton Weiss, Berkeley, CA 94708
   Request by: Bill Wallia Covington Drive, Fremont, CA 94539
   Appeal of Administrative Use Permit #05-20000010 to add 1,457 square feet to an existing two-story single-family residence, reducing the required front yard from 16 feet to 10 feet, 4 inches (R-1 H, Single-Family Residential District and Hillside Overlay District, SRF).
   
   **Continued From:** none
   **Recommendation:** Deny the Appeal
   **Action:** Set for Public Hearing (8-1-0-0) (No: Judd).

4. **2847 Russell Street**
   Appeal by: Len and Yana Goldfine, 2851 Russell Street, Berkeley, CA
   Request by: Jon Larson, Jarvis Architects, Berkeley, CA
   Appeal of Administrative Use Permit #05-20000074 to demolish an existing garage, relocate the required off-street parking space, and construct a new accessory building containing habitable space in a rear yard setback, request by Jon Larson, Jarvis Architects, Berkeley, CA (R-1, Single Family Residential, FC).
   
   **Continued From:** none
   **Recommendation:** Deny the Appeal
   **Action:** Denied Appeal (8-1-0-0) (Vote No to deny appeal: Metzger).

**Continued Hearings:** None

**Nuisance Proceedings:** None

**New Hearings:**

5. **1865 University**
   Request by: Tim Southwick, Toyota of Berkeley, 2400 Shattuck Avenue, Berkeley CA 94704
   Remand by the City Council of Use Permit #05-10000131 to evaluate a more detailed applicant’s statement, the date at which Berkeley Tire ceased operation at the site, and to consider whether the proposed changes reduced the intensity of the existing legal non-conforming use at 1865 University Avenue (C-1, General Commercial District, CW).
   
   **Continued From:** none
   **Recommendation:** Approve
   **Action:** Continued to 6/22/06 on Consent (9-0-0-0).

6. **1287 Campus Drive**
Request by: Norman Sanchez Architect, 1823 Clement Avenue, Alameda
Use Permit #05-10000021 to construct a 4,114 square foot single-family dwelling, to include an accessory dwelling unit and a two car garage, with a 12 foot, 6 inch front yard set back where 20 feet would otherwise be required and to erect retaining walls exceeding 6 feet in height (approximately 7 feet in height) (R-1(H), Single-Family Residential District and Hillside Overlay District, SRF).

Continued From: none
Recommendation: Approve
Action: Approved and Adopted Mitigated Negative Declaration (9-0-0-0).

7. 1017 Miller Avenue
Request by: Mr. Mark Springer and Ms. Karen Springer, 619 Vistamont, Berkeley CA 9708
Use Permit #06-10000010; to construct a single-family residential structure with an accessory dwelling unit and two off-street parking spaces on a 5,266 square foot lot (R-1(H), Single-Family Residential District and Hillside Overlay District, SR/ASC).

Continued From: none
Recommendation: Approve
Action: Continued to 07/13/06 (9-0-0-0).

Information/Communication

1. Report from the Joint Density Bonus Subcommittee
2. Discussion of Procedures for submittal of information from the public to the ZAB members. (staff materials to be provided at the meeting). Retained policy on schedule for public submittal of information through staff. Staff will revise Public Hearing Notice and Agenda to clarify policy.
4. Update on Council Actions
5. Correspondence Received

Business Meeting
Chair’s Report
Current Business/Committee Appointments
Future Agenda Items
Other Matters
Adjourn 9:07 PM

Legal Notice Concerning Your Legal Rights

If you object to a decision by the Zoning Adjustments Board to approve or deny a permit or variance for a project, the following requirements and restrictions apply:

1. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action.

File: ac060806
of the Zoning Adjustments Board is mailed. It is your obligation to notify the Current Planning Division in writing to receive a Notice of Decision when it is completed.

2. Pursuant to Code of Civil Procedure, Section 1094.6(b), no lawsuit challenging a City Council decision to deny a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.

3. Pursuant to Government Code, Section 65009(c)(5), no lawsuit challenging a City Council decision to approve (with or without conditions) a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.

4. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Communication Access

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call the Current Planning Division at 981-7410 (voice) or 981-7474 (TDD); at least five (5) working days notice will ensure availability.

[Approved for posting by Debra R. Sanderson, Secretary, Zoning Adjustments Board, June 13, 2006.]